

REMARKS

The Examiner rejected Claims 1 and 4-6 as anticipated by the Lesh '144 patent. The argument raised by the Examiner is that Lesh teaches a porous membrane which meets the limitations of Claim 1. Applicant strenuously disagrees with this viewpoint. The claim requires that the porosity of the membrane be sufficient to permit blood to flow in and out of the left atrial appendage while not permitting the passage of thrombus, which is of necessity relatively large in size. The Lesh teaching is to completely or totally occlude the left atrial appendage with a membrane, which does not permit the exchange of fluid from the interior to the exterior of the LAA. The porosity discussions within Lesh deal solely with a characteristic of the material used to permit and promote tissue growth on the surface of the bare membrane.

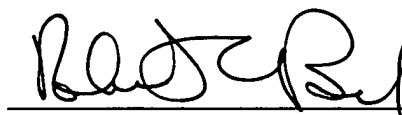
The Examiner further rejects Claim 7 as obvious in view of Lesh. In Claim 7 there is provided an aperture within the membrane sufficient to permit an expansion member to be introduced into the device. It appears from the teaching of Lesh '144 that no such construct is needed since the Lesh device relies on the self-expanding characteristic of the device. There is no teaching within Lesh to suggest that one adopt the construction called for in Claim 7, and for this reason is not obvious in view of Lesh.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
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By their attorneys:

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A handwritten signature in black ink, appearing to read "Robert C. Beck", written over a horizontal line.

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